by act of August 29, 1916. 39 U. S. Stat. at L. 645. If this be sound, the decision that traffic balances form part of a revolving fund which is as necessary to the operation of the road as are cars and engines, seems also correct.

LIBEL AND SLANDER—ACTIONABLE WORDS—STATEMENT THAT CANDIDATE FOR OFFICE IS NOT A CITIZEN.—The defendant published in its paper a statement that the plaintiff, who was a candidate for the office of village clerk, was not a citizen of the United States. Citizenship was a requisite of eligibility to the office in question; the plaintiff was a naturalized citizen. *Held,* that under the circumstances the words were libelous. *MacInnis v. National Herald Printing Co.* (1918, Minn.) 167 N. W. 550.

The decision seems clearly correct. As the court said, there was no need to find a case precisely in point. The meaning of language depends, of course, upon the circumstances under which it is uttered. While the words in question under ordinary circumstances would clearly not be libelous, it is equally clear that as here used they charged the plaintiff with seeking an office for which he was ineligible, and thus lessened him in public esteem and confidence. It should be noted that the appellate court sustained a verdict for punitive damages, on the ground that the circumstances attending the publication of the statement showed "actual malice."

RECORDING ACTS—NOTICE BY RECORD—MORTGAGE RECORDED IN WRONG COUNTY COMMONLY BELIEVED THAT IN WHICH LAND WAS LOCATED.—A mortgage was recorded in the county in which it was commonly believed the mortgaged land was situated. The mortgage deed described the land as in that county. Later the Supreme Court decided that the strip of land of which the mortgaged property was a part was in another county. Subsequently the mortgagor conveyed to a purchaser who had no actual notice of the mortgage. This grantee recorded his deed in the county where the land was. Still later the mortgage was also recorded in that county. In the present action for foreclosure of the mortgage the defendant claimed title under the deed first recorded in the proper county. *Held,* that the record of the mortgage in the county commonly believed to be the one in which the land was situated was constructive notice to subsequent purchasers. Whiting, P. J., *dissenting. Hulsether v. Peters* (1918, S. D.) 167 N. W. 497.

There is apparently little authority upon the point. The principal case is in accord with the view taken in *Stewart & Theus v. Walsh* (1871) 23 La. Ann. 560. A strict construction of the language of the recording acts, however, would lead to the opposite conclusion. *Adams v. Hayden* (1883) 60 Tex. 223. If the object of recording is to give intending purchasers opportunity to examine into the title, the decision seems sound, for obviously they would examine the records of the county in which the community believed the land to be situated. The only doubtful point is raised by the fact that plaintiff, a non-resident, failed to record the mortgage in the proper county for nearly two years after the Supreme Court's decision settling the boundary, and it was during this interval that the subsequent grant was made. However, it may well be argued that intending purchasers who knew of the decision ought to examine the records of the county in which the community previously supposed the land lay. If so, the result reached is sound.

TORTS—PICKETING—INJUNCTION AGAINST PICKETING BY UNION WORKMEN.—Upon the plaintiff's refusal to unionize his restaurants, most of his employees

went out on strike and caused his places of business to be "picketed." The pickets patrolled the sidewalks in front of his premises and carried placards reading, "This café is unfair to union labor." There was some evidence of disorder and of attempts to intimidate patrons. The plaintiff's business fell off largely. An injuction was issued forbidding, among other things, picketing or patrolling the sidewalks adjacent to the plaintiff's premises with such placards, or dissuading persons who sought to enter the premises from patronizing or working for the plaintiff. *Held,* that the injunction was properly granted. Two judges *dissenting. Local Union No. 313, etc. v. Stathakis* (1918, Ark.) 205 S. W. 450.

The subject of enjoining picketing had not before been passed upon by the Arkansas court. The opinion lays down the principle that a labor union which is on strike is privileged to give publicity to that fact but, in doing so, must not disregard the "right of the employer to employ whom he pleases" and to carry on business with the public free from coercive molestation. The actual decision, affirming the sweeping injunction, seems in fact to go beyond this principle and to forbid any kind of picketing immediately adjacent to the premises. Picketing there, the court treats as *per se* coercive; while picketing at a distance "gives the member of the public whose support is thus solicited an opportunity for reflection." That picketing is *per se* coercive is likewise held in *Webb v. Cooks', Waiters' etc. Union* (1918, Tex. Civ. App.) 205 S. W. 465.

TRUSTS—CONSTRUCTIVE TRUST—ORAL PROMISE OF HEIR TO HOLD LAND IN TRUST.—The plaintiff was sole heir to her father. The latter when about to die asked plaintiff to promise to divide all his property equally between herself and the defendant. The plaintiff so promised, assuring the father that no will would be necessary to carry out his wishes. Defendant knew nothing about the promise until after the death of the father and the probate of the will. The plaintiff purchased with a portion of the funds, not amounting to half, a piece of real estate and placed defendant in possession of the same, stating at the time that she gave it to her. In no other way did she give the defendant any portion of the property inherited from the father. Plaintiff, who had never conveyed the legal title to the land, brought the present action to recover possession of the same. *Held,* that plaintiff had only a bare legal title and was not entitled to possession. *Barrett v. Thielen* (1918, Minn.) 167 N. W. 1030.

The court reached its conclusion on the following grounds: (1) that an heir, who makes an oral promise to his ancestor to dispose of the property for the benefit of certain persons and thereby leads the ancestor to refrain from making a will, is in equity a constructive trustee for the intended beneficiaries; (2) that the land in question was therefore purchased with funds and under the circumstances belonged in equity to the defendant; (3) that under Minnesota code procedure an "equitable title" may be set up as a defense to an action for possession brought by the holder of a "legal title without beneficial interest." The view of the court as to the first point is the prevailing one. (1918) 27 YALE LAW JOURNAL, 389. It was applied in the recent case of *Arntson v. First Nat. Bank* (1918, N. D.) 167 N. W. 760. The second proposition follows if the first be admitted. Upon the third point the law in Minnesota differs from that in many, perhaps most, code jurisdictions. See (1917) 26 YALE LAW JOURNAL, 592.

TRUSTS—UNINCORPORATED ASSOCIATIONS—DISPOSITION OF PROPERTY ON DISSOLUTION.—Funds were held in trust for a constantly changing group of beneficiaries—injured employees of a mining company and their dependents in case